

# Abstract

Thesis title: **CRIMINAL LIABILITY OF PHYSICIANS IN GYNECOLOGY AND OBSTETRICS**

The purpose of my diploma thesis is to analyse the issue of criminal liability of physicians, especially physicians in Gynecology and Obstetrics.

The thesis is divided into five main chapters and many subchapters. The first chapter serves as an introduction to the legal liability in general. I mention the categories of liability- civil and labour liability are just noticed in this task, while administrative and disciplinary liability are discussed and defined. The aim is to compare these liability in healthcare and emphasize the ultima ratio principle of criminal liability.

Chapter Two defines relevant concepts of medical law. This chapter deals with the concept of acting *lege artis*, acting *non lege artis*, informed consent of patient and advance directives. These concepts are demonstrated on examples from practice and related jurisprudence. I also define the specialization of Gynecology and Obstetrics and its legislation.

The third chapter explains basic terms and concepts connected with criminal liability and define the necessary conditions and circumstances for physicians to commit a crime. The second section of this chapter focuses on circumstances under which some normally unlawful acting might not be considered illegal. We are talking about individual circumstances excluding illegality.

The fourth chapter focuses on selected crimes specifically to the sector of health. I predominantly pay attention to the crimes against life and health which are considered to be the most common. Relating to the crimes against life and health I dedicate the part of this chapter to the perception of human fetus from the perspective of criminal law.

In the fifth chapter I try to outline the essential aspects of some of the actual questions of Gynecology and Obstetrics regarding home birth and jurisprudence related to this issue, domestic current and past regulation of sterilization and its comparison with Slovak and German regulation, legal issues of contraception and abortion demonstrated on very restrictive regulation in Poland.

The final chapter summarizes some of the findings of this research and propose some improvements on the current Czech legislation.